

1 CALDWELL LESLIE & PROCTOR, PC
MICHAEL J. PROCTOR, State Bar No. 148235
2 *proctor@caldwell-leslie.com*
ANDREW ESBENSHADE, State Bar No. 202301
3 *esbenshade@caldwell-leslie.com*
725 South Figueroa Street, 31st Floor
4 Los Angeles, California 90017-5524
Telephone: (213) 629-9040
5 Facsimile: (213) 629-9022

6 Attorneys for Defendant Kevin P. Miller

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 v.

14 JAMMIN' JAVA CORP., dba
15 MARLEY COFFEE, SHANG G.
WHITTLE, WAYNE S. P. WEAVER,
16 MICHAEL K. SUN, RENE
BERLINGER, STEPHEN B.
17 WHEATLEY, KEVIN P. MILLER,
MOHAMMED A. AL-BARWANI,
18 ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

19 Defendants.
20

Case No. 2:15-CV-08921-SVW-MRW
**[PROPOSED] ORDER GRANTING
DEFENDANT KEVIN P. MILLER'S
MOTION TO DISMISS
COMPLAINT**

The Honorable Stephen V. Wilson

Trial Date: October 25, 2016

1 Defendant Kevin P. Miller's Motion to Dismiss Plaintiff's Complaint
2 ("Motion") came on for hearing before this Court on June 13, at 1:30 p.m. After full
3 consideration of the matter, this Court finds as follows:

4 The Motion is GRANTED based on the lack of personal jurisdiction over
5 Defendant Miller and the Plaintiff's failure to state a claim for relief against
6 Defendant Miller.

7 IT IS THEREFORE ORDERED that Plaintiff's Complaint is dismissed with
8 prejudice and without leave to amend.

9
10 **IT IS SO ORDERED.**

11
12 Dated: _____

The Honorable Stephen V. Wilson
Judge, United States District Court

13
14
15
16 Prepared By:

17 _____ /S/
18 MICHAEL J. PROCTOR
19 CALDWELL LESLIE & PROCTOR, PC
Attorneys for Defendant KEVIN P. MILLER